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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,378	06/27/2003	Robert Keane	MPJ-D4	7979
37420	7590	01/13/2006	EXAMINER	
VISTA PRINT USA INC. ATTN: PATENT COUNSEL 100 HAYDEN AVENUE LEXINGTON, MA 02421			GARCIA, GABRIEL I	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/608,378

Applicant(s)

KEANE ET AL.

Examiner

Gabriel I. Garcia

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### Part III DETAILED ACTION

1. The rejection of claims 1-10 under the judicially created doctrine of double patenting over claims 1,5 and 7 of U. S. Patent No. 6,650,432, is hereby withdrawn. The amendment to the title and the abstract are approved by the Examiner.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Katayama et al. (6,424,752).

With regard to claim 1, Katayama et al. teaches a computer-implemented method for creating an aggregate print job intended to be printed and cut to create a plurality of individual printed products (see figs 1-9), the method comprising receiving individual print jobs (e.g. fig. 3) , each individual print job having an associated printing parameter identifying the size of printed product to be created from that individual print job (see

abstract), defining a two-dimensional aggregate print job (e.g. figs. 30-32), the aggregate print job having a plurality of pre-defined individual print job locations (e.g. abstract,) arranged in each of its two dimensions, each print job location having a pre-determined size (e.g. col. 7, lines 10-60), and assigning at least some of the received individual print jobs to individual print job locations in the aggregate print job such that the size of the product to be printed from the individual print job corresponds to the size of the assigned location in the aggregate print job (see figs. 1-9 and 11-14, 17-18, 25-26).

With regard to claim 2, Katayama et al. teaches each product size is one of at least two different standard product sizes and wherein the aggregate print job has individual print job locations of at least two different sizes, each location size aggregate print job being one of the at least two standard sizes (e.g. figs 4 and /or 11).

With regard to claim 3, Katayama et al. teaches wherein portion of the received individual print jobs are of a standard size and another portion of the received individual print jobs are of a second standard size and wherein individual print jobs of the first size are assigned to aggregate print locations of the first size and individual print jobs of the second size are assigned to aggregate print job locations of the second size (reads on figs. 13-14).

With regard to claim 4, Katayama et al. teaches printing aggregate print job on paper, the paper being of a sufficiently large size to accommodate the simultaneous printing of all individual print jobs in the aggregate print job (e.g. fig. 25 and 26).

With regard to claims 6-9, the limitations of claims 6-9 are covered by the limitations of claims 1-4 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama et al. (6,424,752) as applied to claim 1 and/or 6 above.

With regard to claims 5 and 10, Katayama et al fails to teach cutting the paper, packaging and shipping the individual print jobs. Examiner takes official notice (MPEP 2144.03) that it is well known in the art to provide a printing system with the means to handle the delivery of a print job by using providing means for cutting, packaging and shipping the individual jobs.

Therefore, it would have been obvious to one of ordinary skill in the art to provide the system of Katayama et al with the means for handling the delivery of a print job by using providing means for cutting, packaging and shipping the individual jobs because of the following reasons: 1) will allow the system of Katayama et al. to improve versatility by handling the printed products; and 2) by providing these means to the system of Katayama et al. will allow the user(s) to mail the final product to different costumers.

### ***Conclusion***

4. Applicant's arguments filed 11/7/05 have been fully considered but they are not persuasive. With regard to Applicant's argument that Katayama does not disclose any method of aggregating individual print jobs for printing. Examiner disagrees with Applicant's conclusion. Examiner asserts that Katayama teach a method of aggregating individual print jobs for printing. Figure 11, clearly depicts an aggregated job, which consists of individual print jobs.. Also, the abstract clearly describes how a multiple of jobs that can be created to form a synthesized image.

In response to applicant's argument(s), the recitation of the preamble has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00 PM. The Central FAX Number 571-273-8300.

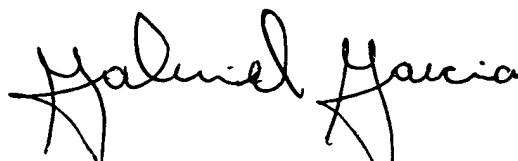
**CENTRALIZED DELIVERY POLICY:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

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A handwritten signature in black ink that reads "Gabriel Garcia". The signature is fluid and cursive, with the first and last names clearly distinguishable.

**Gabriel I. Garcia**  
**Primary Examiner**  
**January 6, 2005**

**GABRIEL GARCIA**  
**PRIMARY EXAMINER**